

Appln No. 10/091,806
Amdt date December 9, 2005
Reply to Office action of August 12, 2005

REMARKS/ARGUMENTS

Claims 1-14, 19-43, and 48-58 are pending for examination and claims 15-18 and 44-47 withdrawn from consideration. Claims 1, 19, 32, and 48 are amended.

The specification has been amended to remove the phrase "of low quality". No new matter has been added.

Claims 1, 3, 4, 6-14, 19, 20, 22, 23, 25-32, 34, 35, 37-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (US 6,052,669). Claims 2, 21, 33, 48, 52, 53, 54, 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Mumm et al. (US 2003/0085915). Claims 5, 24 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Henson (US 6,167,383). Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Mumm and further in view of Spetner (US 4,053,192). Claim 55 is rejected under 35 U.S.C. as being unpatentable over Smith in view of Mumm and further in view of Henson.

Applicants submit that all of the pending claims are patentable over prior art. To establish a *prima facie* case of anticipation, the Examiner must establish that the cited reference teach every aspect of the claimed invention either explicitly or impliedly.

The amended independent claim 1 includes, among other limitations, "displaying a portion of the stored plurality of 3-D modular furniture components images and data selectable by a user for designing the configurable furniture product from scratch, wherein the 3-D modular furniture components are displayed individually in a non-configured state," and "arranging the individually placed modular furniture components as building blocks to configure the configurable furniture product." Smith does not teach the above limitations.

Rather, Smith is directed to a system and method for configuring office furniture including presenting the user with at least one typical configuration satisfying the criteria; selecting a typical configuration from the at least one typical configuration; modifying aspects of the selected typical configuration to produce a modified configuration; and forming a cluster

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configuration based on the typical configuration. (see, for example, Abstract, Summary of the Invention, and claim 1).

More specifically, Smith does not teach "displaying a portion of the stored plurality of 3-D modular furniture components images and data selectable by a user for designing the configurable furniture product from scratch, wherein the 3-D modular furniture components are displayed individually in a non-configured state." Instead, the system of Smith displays typical configurations, which the user in turn, selects a typical configuration and modifies aspects of the selected typical configuration. These displayed typical configurations are not "displayed individually in a non-configured state," rather, they are displayed in a pre-configured state as typical configurations. (See, for example, FIGs. 7-9 and related text).

Moreover, these displayed typical configurations are not "for designing the configurable furniture product from scratch," because they are already configured. Even the displayed components of FIG. 11 of Smith are simply to be added to the already configured selected typical configuration to modify the typical configuration. (See, for example, col. 10, lines 41-47). Therefore, they are not displayed "for designing the configurable furniture product from scratch."

Additionally, Smith does not teach "arranging the individually placed modular furniture components as building blocks to configure the configurable furniture product." First, Smith does not teach "arranging the individually placed modular furniture components," because the components of Smith are placed as a typical configuration and not placed individually. Second, the selected typical configuration of Smith is not used "as building blocks to configure the configurable furniture product," because the furniture product of Smith is already configured.

Consequently, the amended claim 1 is not anticipated by Smith. Amended independent claims 19 and 32 include similar limitations and therefore are not anticipated by Smith either.

Amended independent claim 48 includes, among other limitations, "a configurator accessible via the web site by the furniture end-user for configuring a furniture product from scratch including a selected portion of the plurality of modular furniture components utilizing the images and specifications stored in the database, wherein the configured furniture product is

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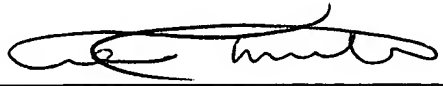
assembled from scratch using the selected portion of the plurality of modular furniture components as building blocks and information generated by the configurator."

As discussed above, Smith does not teach "configuring a furniture product from scratch," and "wherein the configured furniture product is assembled from scratch using the selected portion of the plurality of modular furniture components as building blocks." Accordingly, claim 48 is not anticipated by Smith either.

In short, independent claims 1, 19, 32 and 48 define a novel and unobvious invention over the cited references. Dependent claims 2-18, 20-31, 33-47, and 49-58 are all dependent from independent claims 1, 19, 32 and 48, respectively and therefore include all the limitations of their respective independent claims and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from allowable independent claims 1, 19, 32 and 48, and for the additional limitations they include therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
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